



26874

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of:

Applicants DeBenedetti, Arrigo, et al. : Docket No: 101611/507550

Serial No. 09/916,017 : Group Art Unit: 1635

Filed: July 26, 2001 : Examiner: J. Angell

For: CANCER GENE THERAPY BASED ON TRANSLATIONAL CONTROL OF A SUICIDE GENE

# 9/K.T.  
10/31A  
w/E.O.T.  
3 mos.w/  
Dec.AMENDMENT AND RESPONSE

RECEIVED

**Box Amendment Fee**The Assistant Commissioner For Patents  
Washington, D.C. 20231

OCT 31 2002

TECH CENTER 1600/2000

Dear Sir:

This is in response to the Office Action mailed April 24, 2002. The time for response has been extended for 3 months. Applicants submit herewith a Supplemental Information Disclosure Statement in the present application. In the prosecution of the above-identified application, please amend the application as follows, and consider the following remarks.

10/31/2002 AOSMANI 00000003 09916017

01 FC:2253

460.00 OP

**Amendments**IN THE CLAIMS:*Please amend the following claims as indicated:*

10. (once amended) A DNA sequence comprising a promoter operatively linked to a transcription sequence; wherein the transcription sequence, when transcribed, produces a messenger RNA sequence that comprises a translatable sequence encoding a toxin, and an untranslated sequence; wherein the untranslated sequence inhibits translation of the toxin sequence under conditions that exist within normal mammalian cells that do not overexpress eukaryotic initiation factor eIF4E and wherein the untranslated sequence allows translation of the toxin sequence under
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02 FC:2201  
03 FC:220284.00 OP  
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